

REMARKS

Claims 1-14 are pending in this application. By the Office Action, claims 1-13 are rejected to under 35 U.S.C. §112 and claim 10 is objected to by informalities. By this Amendment, the specification and claims 1, 2 and 10 are amended; and claim 14 is added.

Support for the amendments can be found in the specification. See pages 6 and 12. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

I. Rejections Under 35 U.S.C. §112

The Office Action rejects claims 1-13 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicants regard as their invention. Specifically, the Office Action asserts that it is unclear what is meant by TPP, the claim 1 phrase "which forms a basis that..." is also unclear, "including" in claim 1 and "such as" in claim 2 are improper alternative language and the term "active thioester" is unclear. Applicants respectfully traverse the rejection.

By this Amendment, the specification has been amended to replace "trimethyl phosphate" with "triphenylphosphine" as originally intended by the specification. See page 12. Likewise by this Amendment, the phrase "which forms a basis that" in claim 1, the term "active thioester" in claim 1, the term "including" in claim 1 and the phrase "such as" in claim 2 have all been deleted. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

II. Claim Objections

The Office Action objects to claim 10 based on informalities. Applicants respectfully traverse this rejection. By this Amendment, claim 10 is amended to include a period at the end of the claim. Accordingly, reconsideration and withdrawal of the objection to claim 10 is respectfully requested.

III. New Claim

New claim 14 recites a process for the preparation of Cefditoren of formula (I) or its ester or pharmaceutically acceptable salts there of wherein the (C₁-C₆) alkyl group is selected from the group consisting of methyl, ethyl, propyl, isopropyl or t-butyl. Claim 14 is patentable as it depends from claim 2, with additional features that find support in the specification. See page 6.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-14 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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